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U.S. DISTRICT COURT
 DISTRICT OF NH
 FILED

2019 MAY -6 A 10: 29

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW HAMPSHIRE**

PAUL MARAVELIAS,
 a natural person,

Plaintiff,

v.

JOHN J. COUGHLIN,
 a natural person, in his individual and
 official capacities,

GORDON J. MACDONALD,
 a natural person, in his official capacity as
 Attorney General of New Hampshire,

PATRICIA G. CONWAY,
 a natural person, in her official capacity as
 Rockingham County Attorney,

TOWN OF WINDHAM, ex rel.,
 WINDHAM POLICE DEPARTMENT,
 municipal entities,

GERALD S. LEWIS,
 a natural person, in his official capacity as
 Chief of Police of the Town of Windham,

Defendants.

Civil No. 1:19-CV-143(SM)

Date Action Filed: 2/11/2019

JURY TRIAL DEMANDED

**FIRST AMENDED VERIFIED
 COMPLAINT FOR
 DECLARATORY AND
 INJUNCTIVE RELIEF**

PRELIMINARY STATEMENT

1. NOW COMES Plaintiff PAUL MARAVELIAS (“Plaintiff”) with Complaint and brings this action joining two substantially related claims. The first matter is predominant and exigent: this action seeks a preliminary injunction against Defendants to enjoin them from enforcing an illegal state court order abusing Maravelias’s federal constitutional rights.

Defendants issued a baseless court order against Maravelias *ultra vires*, in total absence of statutory or equitable authority, masquerading as “extended terms” of a preexisting civil protective order, to newly criminalize his “possession” of public internet “social media communications” necessary as exhibits in ongoing state court proceedings for his own defense. **Defendants have threatened they will enforce these illegal “extended terms” to the protective order and will arrest Maravelias for his imminently anticipated lawful speech activity, causing irreparable injury in catastrophic violation of his civil rights.** See Plaintiff’s forthcoming Motion for Preliminary Injunction. This action seeks declaratory relief and a permanent injunction preventing enforcement of Defendants’ said unlawful order against Plaintiff. The second component of this action seeks declaratory judgment that NH RSA 633:3-a, III-c., pertaining to the legal standard for extending civil stalking protective orders after initial expiration, is facially invalid in violation of the First and Fourteenth Amendments to the Constitution of the United States of America.

JURISDICTION AND VENUE

2. This action arises under 42 U.S.C. § 1983 and the United States Constitution. Subject matter jurisdiction exists pursuant to 28 U.S.C. §§ 1331 and 1343 in that the instant case arises under questions of federal constitutional law.

3. This Court has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367(a).

4. Personal jurisdiction exists whereas all individual parties are natural citizens within the federal boundaries of the United States of America.

5. Claims herein for injunctive relief are authorized pursuant to 28 U.S.C. § 1343 and Rule 65 of the Federal Rules of Civil Procedure.

1 12. Defendant PATRICIA G. CONWAY is the County Attorney for Rockingham
2 County, NH with the official address 10 NH-125, Brentwood, NH 03833. She has authority to
3 enforce the illegal order against Maravelias in question in Rockingham County.

4
5 13. Defendant TOWN OF WINDHAM is a municipal entity in the State of New
6 Hampshire which maintains and operates the Windham Police Department (“WPD”), a law
7 enforcement agency. WPD is responsible for the training, conduct, employment, supervision,
8 and retention of its officers and employees. The TOWN OF WINDHAM is responsible for
9 overseeing WPD and ensuring its personnel comply with the laws and constitution of the
10 United States of America. At all times material, the officers, personnel, and employees of the
11 TOWN OF WINDHAM were acting and continue to act under color of New Hampshire state
12 law as applied through the customs, usages, and policies of said town.

13
14 14. Defendant GERALD S. LEWIS is an employee of the TOWN OF WINDHAM
15 as Chief of Police at the Windham Police Department. The three aforesaid entities are
16 hereinafter referred to as the “Windham Defendants”. Defendant GERALD S. LEWIS is
17 responsible for the training, conduct, employment, supervision, and retention of his
18 subordinate officers and employees and has a duty to ensure said personnel comply with the
19 laws and constitution of the United States of America. Defendant GERALD S. LEWIS has
20 been acting and continues to act under color of state law as applied through the customs,
21 usages, and policies of the Town of Windham at all times material.

FACTUAL ALLEGATIONS**Procedural Background**

15. In January 2018, Plaintiff was subject to a preexisting New Hampshire civil stalking protective order restraining him from contacting the petitioner in that action, Christina DePamphilis. The underlying state Circuit Court case is Christina DePamphilis v. Paul Maravelias (473-2016-CV-00124). On 1/5/18, DePamphilis moved to extend the stalking order against Maravelias another year to February 2019, pursuant to RSA 633:3-a, III-c.

16. Maravelias has long maintained the said “protective” order litigation is an illegitimate, bad-faith campaign of malicious harassment orchestrated by DePamphilis’s father David DePamphilis. Maravelias claims DePamphilis committed perjury to obtain the order. During cross-examination, DePamphilis even admitted that Maravelias never actually spoke certain words to her which she claimed (maliciously) in her petition he said.

17. The Windham Defendants possess an audio recording proving that Maravelias never spoke certain words that DePamphilis falsely put into Maravelias’s mouth to obtain the stalking order. They are aware of the content and significance of said audio recording.

18. The Windham Defendants took part in the establishment of said fraudulent stalking order and have a credibility-related interest in its existence. David DePamphilis testified on 1/5/17 that WPD officers told him “you need to file a restraining order [against Maravelias]” after Maravelias had asked Christina DePamphilis on a date, got rejected, then never once contacted her ever after that day. On 4/20/17, Windham officer Christopher van Hirtum remorselessly told Maravelias in person he “doesn’t blame” DePamphilis for filing the (false) restraining order and boldly claimed he “would have done the same”.

1 19. In June 2017, Christina DePamphilis posted incitative bullying/harassment
2 social media posts identifying and directed against Paul Maravelias, middle-fingering him
3 with her father and boyfriend. Maravelias's final contact with DePamphilis had been asking-
4 her-out once to dinner, which she declined. Maravelias commented at trial she was trying to
5 "bait" him to violate her "bad-faith" "stalking order". She was trying to provoke a jealous
6 reaction and cruelly cause more trouble for Maravelias.
7

8 20. Maravelias collected screenshots of DePamphilis's public internet social media
9 harassment conduct to use for his self-defense at the protective order extension hearing. Other
10 individuals shared with him other "social media exhibits" from DePamphilis which supported
11 Maravelias's case against the civil protective order.
12

13 21. In May and June 2018, Defendant JOHN J. COUGHLIN presided over a three-
14 day trial at Derry, NH District Court on DePamphilis's extension motion.
15

16 22. Defendant JOHN J. COUGHLIN admitted many of Maravelias's social media
17 image evidentiary exhibits, including DePamphilis's vulgar cyberbullying post against
18 Maravelias, *inter alia*.
19

20 23. On 6/15/18, Defendant JOHN J. COUGHLIN granted the stalking order
21 extension against Maravelias, extending said order to 2/5/19.
22

23 **The Orwellian Summer 2018 "Extended Terms" or "Further Conditions"**

24 24. On 7/2/18, DePamphilis filed a certain Motion in the District Court which is the
25 critical foundation of this action. She filed a "Motion for Modification of Stalking Final Order
26 of Protection to Include Further Conditions", attached as **Exhibit A**.
27
28

1 25. In said Motion, she sought that Defendant JOHN J. COUGHLIN modify her
2 stalking order against Maravelias to include the following additional criminally-enforceable
3 provision:

4 **“Respondent [Maravelias] shall not gain access to or possess any**
5 **of Petitioner’s [DePamphilis’s] social media communications**
6 **either directly or through a third party;”**

7 26. Hereinafter, Plaintiff refers to the above provision as the “extended terms”. Two
8 other such “further conditions” were sought and granted, but this action disregards them.

9 27. On 7/5/18, Maravelias filed an Objection to DePamphilis’s Motion. Maravelias
10 pointed-out that she was attempting to criminalize Maravelias’s mere possession of her
11 “social media exhibits” – by then, record-admitted evidentiary public court exhibits which
12 proved, in one part, that she was incitatively cyberbullying Maravelias with vulgar gestures,
13 and therefore lied about having “fear” of him for the stalking order.

14 28. Maravelias’s 7/5/18 Objection (**Exhibit B** – redundant exhibits therefrom
15 omitted) spoke of the unconstitutional overbreadth and vagueness of the requested terms,
16 noting that Defendant JOHN J. COUGHLIN had no legal authority to grant such draconian,
17 Orwellian “extended terms” against Maravelias by the procedural mechanism of a civil
18 stalking order, which is purposed to prevent physical following/stalking.

19 29. In response to Maravelias’s 7/5/18 Objection, DePamphilis filed a Reply on
20 7/12/18 which proposed a minor concession in her requested “further conditions”, that
21 Maravelias should not “knowingly [gain access to or possess...]”. This 7/12/18 Reply is
22 attached as **Exhibit C**.

30. On 7/16/18, Maravelias filed a Surreply to DePamphilis's 7/12/18 Reply (Exhibit G), noting that her requested further terms were still outrageously illegal, unconstitutional, unwarranted, and draconian.

Defendant JOHN J. COUGHLIN Scribbles "Granted" on The Lawyer-Represented Female Petitioner's Unprecedented "Extended Terms" Motion

31. On 8/7/18, Defendant JOHN J. COUGHLIN **DENIED** Maravelias's Objection (Exhibit D) and **GRANTED** (Exhibit E) DePamphilis's original 7/2/18 Motion criminalizing Maravelias to "gain access to or possess" his accuser's "[public] social media communications", even including public court exhibits where she made vulgar, incitative cyberbullying posts to harass Maravelias, which proved she lied about having "fear" of Maravelias to get a false, vindictive "stalking" order against him.

32. In his Order granting the "extended terms", Defendant JOHN J. COUGHLIN did not write a single word of statutory authority or legal reasoning for his shocking, reckless order, nor wrote any response to Maravelias's objection arguments whatsoever. Judge Coughlin merely scribbled, "Respondent's objection is **DENIED**", on Maravelias's 7/5/18 Objection and criminalized Maravelias to possess his own court exhibits.

33. Unlike issuing regular Stalking/DV civil protective orders and hearing occasional extension requests thereof, granting indiscriminate "social media possession" "extended terms" to such civil orders is not a task commonly performed by judicial officers.

34. Never in the entire life of Defendant JOHN J. COUGHLIN nor in the entire history of the State of New Hampshire has a trial court previously granted "extended terms" to an RSA 633:3-a civil protection order forbidding a respondent from "possessing" "directly or through a third party" a petitioner's "social media" as Defendants did on 8/7/18.

1 35. Paragraph 41 of Maravelias's 7/5/18 Objection explicitly forewarned Defendant
2 COUGHLIN that granting the "extended terms" would constitute an extrajudicial act
3 divesting of absolute judicial immunity.

4
5 **The Inexplicable Procedural Anomalies of Defendant JOHN J. COUGHLIN's Heedless**
6 **Post-Trial Orders, Showing His Bad-Faith and Patently Unreasonable Conduct**

7 36. Defendant JOHN J. COUGHLIN, *sua sponte*, granted DePamphilis's original
8 7/2/18 Motion and not even DePamphilis's concessively ameliorated "further condition" as
9 conceded in her subsequent 7/12/18 Motion, in light of the 7/5/18 Objection. *See Exhibit F.*

10 37. The date "8/7/18" appears on Defendant COUGHLIN's "granting" (**Exhibit E**)
11 DePamphilis's original 7/2/18 Motion and on Defendant COUGHLIN's denying-as-moot
12 DePamphilis's 7/12/18 Reply containing her concessively ameliorated terms (**Exhibit F**).
13

14 38. However, inexplicably, the date "7/13/18" appears on Defendant COUGHLIN's
15 four-word "Respondent's objection is DENIED" ruling on Maravelias's 7/5/18 Objection.
16

17 39. The day prior, on 7/12/18, Maravelias appeared before Defendant COUGHLIN
18 in a civil case as non-lawyer representative for Maravelias's friend, a true stalking victim.

19 40. These facts suggest the mere renewed sight of Maravelias animated Defendant
20 COUGHLIN to 1) rub-out an immediate vindictive, mercurial "denied"-scribbling on
21 Maravelias's pending objection within 24 hours of seeing Maravelias's face and 2) later return
22 to the matter, after nearly one full month, to formalize his automatic granting DePamphilis's
23 "extended terms" pleading: the more punitive version, even, which she herself had amended.
24

25 41. The non-responsive four-word nature of Defendant COUGHLIN's 7/13/18 order
26 and all other foregoing facts indicate Maravelias was deprived his right to be fully heard.
27
28

42. The totality of his judicial acts with Maravelias in 2018 uncovers a fact-pattern suggesting Defendant COUGHLIN acted with hostile bias and in bad-faith. In further support, Plaintiff repeats and incorporates by reference the judicially noticeable 10/31/18 pleading filed in the 10th Circuit Court – Dist. Div. – Derry, entitled “Respondent’s Motion to Set Aside Judgement” in 473-2016-CV-124 (available at the web URL: <https://bit.ly/2VNfmsp>).

Defendants’ Live and Imminent Threats as of May 2019, Since February 2019, to Arrest Maravelias and Enforce the Illegal Order

43. On 1/24/19, DePamphilis moved the Circuit Court to extend her order again, granted the same day. Defendants’ 8/7/18 “extended terms” are still in-effect.

44. In fall 2018, Plaintiff Maravelias had been a *pro se* litigant in two related appeal cases in the New Hampshire Supreme Court regarding the DePamphilis/Maravelias parties.

45. On 2/8/19, Plaintiff Maravelias met with Sgt. Bryan Smith at the Windham Police Department. Sgt. Smith, a WPD officer and Town of Windham employee, revealed Defendants are now investigating Maravelias for violating the “extended terms” of the order.

46. For compelling detail on the threat of irreparable injury expected from impending enforcement of these unlawful “extended terms”, Plaintiff Maravelias incorporates by reference his forthcoming Motion for Preliminary Injunction and attached “Declaration in Support” to be filed therewith, containing an assortment of verbatim quotes from the recent 2/8/19 conversation at WPD between Maravelias and Sgt. Smith.

47. In said conversation, Sgt. Smith produced a copy of an exhibit Maravelias attached to a December 2018 Reply Brief Maravelias filed in one of his NH Supreme Court appeals. Sgt. Smith asserted that it was one of DePamphilis’s social media communications and that he would likely “arrest” Maravelias if his investigation fails to establish that the said Exhibit had been part of any earlier court hearing.

1 48. The Exhibit in question is an image which proves DePamphilis boldly lied about
 2 another part of her “stalking” accusations against Maravelias, where she falsely asserted it
 3 was socially inappropriate for Maravelias to say hello to her at a 2015 graduation ceremony
 4 Maravelias attended for his sister.

5
 6 49. Sgt. Smith specifically identified Defendants’ 8/7/18 extended terms to the
 7 protective order and explained he may arrest Maravelias for violating said terms.

8
 9 50. Sgt. Smith said that he would likely “arrest” Maravelias if Maravelias was in
 10 “possession” of certain public materials from “social media”, ostensibly referring
 11 Maravelias’s own Supreme Court Reply Brief exhibit. In such an event, Defendants will
 12 criminally prosecute Maravelias for violating the “extended terms” by possessing what they
 13 claim is a public social media communication by DePamphilis, which is lawful for any other
 14 person to possess.

15
 16 51. Responding to Plaintiff’s Original Complaint, the Windham Defendants filed an
 17 Answer on 4/17/19 itself confirming their unlawful enforcement threat is still ongoing, live,
 18 and imminent. Maravelias is subject to a current criminal investigation for violating the
 19 “extended terms”. Defendants will arrest Maravelias on “probable cause” that he rightfully
 20 possessed public social media exhibits. *See Answer*, ECF Doc. #8, ¶¶83, 92, 97, 109, 118.

21
 22 **Past and Present Actual Harm and Injury Suffered by Maravelias As a Result of**
 23 **Defendants’ Illegal Enforcement Threats**

24 52. Ever since Defendants imposed the “extended terms”, Maravelias has feared
 25 criminal prosecution and felt compelled to chill his public speech. In the 2/8/19 conversation,
 26 Maravelias indicated he has felt compelled to forfeit defending his falsely maligned reputation
 27 (from the underlying protective order) in certain ways he would pursue were the illegal
 28 “extended terms” not constantly threatening his free speech with criminal penalties.

53. Defendants have stated to Maravelias their intention to engage in a course of conduct affecting his constitutional interest. They have proven they are actively and imminently threatening said interests by virtue of their current criminal investigation.

54. Maravelias has trembled in fear of punishment to take acts amounting to the introduction of otherwise-lawful public internet images into his state court briefs/pleadings which would otherwise benefit his position, because of the unlawful “extended terms”.

55. In order to attempt to comply with the unlawful “extended terms”, Maravelias has been compelled to destroy and dispose of his own property as well as take elaborate pains that other “third parties” do not cause Maravelias to commit a crime by virtue their own “possession” or “gaining access” conduct.

56. Maravelias has suffered extreme emotional distress and trauma in connection with being subject to such unlawful, arbitrary terms and not even being able to know the precise legal functioning or definition of its vague terms “social media communication”, “through a third party”, and “possess”. He lives in constant confusion and fear as a result.

Maravelias Has Possessed His Own Court-Admitted Evidentiary Exhibits and Plans to Make Imminent Lawful Speech Acts Violating The Illegal “Extended Terms”

57. Maravelias delivered his 11/1/18 Appellant’s Brief to the Supreme Court. It contained an appendical trial court exhibit depicting Christina DePamphilis’s incitative middle-finger cyberbullying post, a “social media communication”, to Maravelias.

58. Maravelias denies “possessing” such “social media” which was not a previously admitted court exhibit. However, Maravelias openly admits he has possessed the “middle-fingers” social media post trial court exhibit.

59. The Windham Defendants' Answer alleges they have "communicated to Plaintiff that [they] would not construe the possession of previously submitted court exhibits to be a violation of the 'extended terms.'" Answer, ¶69. However, the Windham Defendants' previous "communications" (*i.e.*, the 2/8/19 Sgt. Smith-Maravelias meeting at WPD) arguably entailed no legal requirement of truthfulness. *See e.g., Frazier v. Cupp*, 394 U.S. 731 (1969).

60. The Windham Defendants' Answer declines to stipulate that they will not construe the extended terms as including "possession of previously submitted court exhibits"; rather, only that they "have communicated" the said "to Plaintiff" in the past. This alarming fact further prognosticates an imminent unlawful enforcement.

61. The "extended terms" contain no implicit exception for public court exhibits.

62. Maravelias will not chill his speech forever. He intends soon to violate the "extended terms" by obtaining certain "social media" artifacts and using them in public speech acts to prove the DePamphilis stalking order is nothing but a fraudulent legal harassment mechanism extended in 2018 by a biased, rogue judge.

The Windham Defendants Are Acting in Bad-Faith with Disregard of Statutory and Constitutional Law

63. Plaintiff respectfully alleges the Windham Defendants are acting in bad-faith due to their personal credibility-interest in the false stalking order they themselves ignorantly encouraged DePamphilis to pursue in December 2016, to the extent that they did.

64. The Windham Defendants enforce a stalking order they know was fraudulently obtained, due to their possession and awareness of the aforementioned 2016 audio recording.

65. All Defendants have an obligation to know and follow the law, including the United States Constitution, the "supreme law of the land". U.S. CONST., Art VI, cl. 2.

1 66. Given Maravelias's 2/8/19 conversation with Sgt. Smith and, irrefutably, the
2 content of this very lawsuit, the Windham Defendants are now knowledgeably aware that
3 enforcing the "extended terms" is irredeemably unlawful in violation of the U.S. Constitution.

4
5 67. Despite this, the Windham Defendants' Answer reconfirms their live, unabated
6 investigation and promises to enforce the "extended terms" by arrest on probable cause
7 Maravelias has violated said "extended terms". They admit they are contemplating criminal
8 prosecution of Maravelias under RSA 633:3-a, I(c) as the statutory enforcement vehicle of the
9 "extended terms" and reveal that they are aware of the contents of said statute. Answer, ¶71.

10
11 68. The Windham Defendants' non-existent excuse even within state law to persist
12 in threatening federally unconstitutional enforcement entails a further aspect of their alleged
13 bad-faith. The state civil stalking order criminal enforcement statute, RSA 633:3-a, I(c),
14 confers standing upon Defendants to criminally prosecute "a single act of conduct that both
15 violates the provisions of the [civil] order and is listed in paragraph II(a)." (Emphasis added)

16
17 69. "Paragraph II(a)" of RSA 633:3-a does not include "possession" nor anything
18 remotely similar. It is a fully exclusive listing for purposes of RSA 633:3-a, I(c).

19
20 70. The Orwellian "extended terms" are criminally unenforceable, as Defendants
21 know, yet they persist in their imminent threats to arrest Maravelias on probable cause he has
22 engaged in constitutionally protected conduct violating the "extended terms".

23
24 71. While violation of the "extended terms" is enforceable through a motion for
25 contempt in Derry Circuit Court, Defendants should be aware they are not criminally
26 enforceable because Paragraph 7 of Maravelias's 7/16/18 Surreply (**Exhibit G**) noted this.

27 72. It is unknown by what legal authority Windham Defendants purport to derive
28 their alleged limiting construction of the "extended terms" to exclude "possession of

1 previously submitted court exhibits”. Understandably baffled by the nightmarish disaster
 2 Defendant JOHN J. COUGHLIN has created for them by his reckless abuse of power, the
 3 Windham Defendants are enforcing the “extended terms” under an arbitrary set of halfway
 4 principles consistent with neither federal constitutional law nor state statutory law.

5
 6 73. The Windham Defendants threaten to institute criminal proceedings against
 7 Maravelias they do not believe they could ever possibly result in a valid criminal conviction.

8
 9 **The 2018 NH Supreme Court Appeal and The Inapplicability of *Rooker-Feldman***

10 74. In the underlying case, Maravelias appealed the 2018 stalking order extension to
 11 the New Hampshire Supreme Court (No. 2018-0483). They affirmed the extension.

12 75. The overriding thrust of the appeal was to vacate the 2018 extension of the
 13 stalking order, not to challenge the constitutionality of Defendants’ “extended terms”.

14
 15 76. The Supreme Court’s Final Order did not adjudicate any claim regarding the
 16 “extended terms”. They neither affirmed nor reversed the “extended terms”. They affirmed
 17 the extension of the underlying stalking order without ever addressing the “extended terms”.

18
 19 77. Maravelias briefed his challenge to the “extended terms”, giving the NH
 20 Supreme Court an opportunity to review the said. However, the they predictably excused
 21 themselves from adjudicating these claims, retorting that the issue was not adequately briefed.

22 78. Maravelias had previously filed a 10/12/18 Motion in the appeal for an increased
 23 brief word limit due to the necessity of compressing essentially two separate appeals into one
 24 (both the overall extension of the order and the “extended terms”). The Supreme Court
 25 DENIED the modest word limit increase request on 10/24/18 with no explanation.

26
 27 79. Maravelias’s incorporates by reference his “Brief of Appellant” in 2018-0483.
 28

1 80. The Supreme Court denied Maravelias a full and fair opportunity to challenge
2 the “extended terms”. This is irrelevant for *Rooker-Feldman* inquiry. Questions of whether
3 Maravelias could have, should have, or actually did raise issues belong to preclusion law.
4 *Rooker-Feldman*, however, is a jurisdictional bar rendered inapplicable by the non-existence
5 of any final state court judgment adjudicating the constitutionality of the “extended terms”.
6

7 81. At the filing of this action, no state court, appellate or otherwise, had expressed
8 an opinion nor rendered any judgment on the constitutionality of the “extended terms”.
9

10 82. Maravelias’s said appeal also afforded the NH Supreme Court an opportunity to
11 adjudicate Maravelias’s facial overbreadth and void for vagueness challenges to RSA 633:3-a,
12 III-c. As with the “extended terms”, the Supreme Court declined to adjudicate these claims.
13

14 83. At the filing of this action, no state court, appellate or otherwise, had rendered
15 any judgment on Maravelias’s arguments that RSA 633:3-a, III-c. is facially overbroad and
16 void for vagueness.

17 84. The New Hampshire Supreme Court has been acting against Maravelias in bad-
18 faith. They have mysteriously redacted or self-censored their Final Orders in both of
19 Maravelias’s appeals from the public Supreme Court website in seeming shyness to disclose
20 their tyrannical sophistry against Maravelias to the public. They have retaliated against
21 Maravelias’s speech through an unprecedented punitive “Rule 23” order amounting to
22 extortion against Maravelias in the amount of \$4,900.00. Maravelias hereby repeats and
23 incorporates by reference his forthcoming suit in this Honorable Court challenging Supreme
24 Court Rule 23, *Paul Maravelias v. Supreme Court of New Hampshire, et al.*
25
26

27 85. The NH Supreme Court has been failing to obey the proper *de novo* standard of
28 review to federal constitutional claims. Accordingly, even if the New Hampshire Supreme

1 Court had, in fact, adjudicated the claims Maravelias now brings here to challenge the
2 “extended terms”, *Rooker-Feldman* would still not apply.

3 86. Christina DePamphilis committed fraud and criminal falsification to obtain the
4 stalking order, the extension thereof, and the “extended terms”. Maravelias alleged the same
5 in the underlying proceedings.
6

7 87. Since the filing of this action, DePamphilis obtained another final extension of
8 the stalking order in Derry Circuit Court on 3/8/19. Multiple motions are pending. The
9 underlying case is ongoing and not “ended”.
10

11 88. Maravelias has not initiated an appeal of the recent 2019 extension. The
12 “extended terms” are still in effect, never having been adjudicated in the NH Supreme Court.
13

14 89. Defendant JOHN J. COUGHLIN, as an officer of the New Hampshire Circuit
15 Court, had no general equitable powers within the RSA 633:3-a civil protective order case.

16 90. DePamphilis had a clearly defined statutory right to petition Defendant
17 COUGHLIN to extend the stalking order in 2018. However, she had no state or federal
18 statutory, constitutional, equitable, or common-law right to the “extended terms” granted.
19

20 91. Defendant JOHN J. COUGHLIN’s 8/7/18 Order granting the “extended terms”
21 is not a judicial act nor a state court “judgment”. It did not adjudicate any claim to a “right”.
22

23 92. Defendant JOHN J. COUGHLIN’s 8/7/18 Order contained no opinion or finding
24 on the constitutionality of the “extended terms” granted therein.
25
26
27
28

COUNT 1

**VIOLATION OF THE FIRST AMENDMENT TO THE
UNITED STATES CONSTITUTION (42 U.S.C. §1983)**

**Defendants’ “Extended Terms” Within a Standard Civil
Stay-Away Order Abridge Maravelias’s Free Speech and Press Rights**

93. All paragraphs hereinabove are repeated herein as though fully set forth.

94. The First Amendment to the U.S. Constitution guarantees that “Congress shall make no law . . . abridging the freedom of speech”. It is incorporated against the states.

95. Defendants’ civil “stalking” “protective” order against Maravelias in its current form, through their “extended terms” granted on 8/7/18 with no explanation at all, violates Maravelias’s constitutionally protected free speech and press rights.

96. The “extended terms” constitute a prior restraint against Maravelias exercising his protected freedoms to speech and press, even absent the imminent enforcement threat. By possessing, publicizing, or expressing himself with certain evidentiary exhibits deemed DePamphilis’s “social media communications”, Defendants will punish Maravelias with criminal prosecution – nominally, for violating a civil stalking protective order pursuant to RSA 633:3-a.

97. Defendants are now likely to arrest Plaintiff Maravelias because of his publication to the New Hampshire Supreme Court of a Reply Brief containing an appendical exhibit alleged to be a “social media communication” of DePamphilis. This exhibit shows that DePamphilis lied to obtain a false “stalking” protective order by which Defendants’ 8/7/18 Order against Maravelias, imposing the “extended terms”, operates to begin with.

98. Defendants’ 8/7/18 “extended terms” are not narrowly tailored to serve a significant governmental interest. The governmental interest behind civil stalking protective

1 orders is to protect true victims of stalking from violent acts, not to criminalize the process of
2 a respondent in such a proceeding from defending himself in the court system, using public
3 evidentiary exhibits from “social media” to defend himself against claims of “stalking”.
4

5 99. Defendants’ 8/7/18 extended terms do not appropriate any alternative channel by
6 which Maravelias could defend himself in the legal system where his accuser’s public “social
7 media exhibits” are profitable for his legal self-defense in the court system.

8 100. Defendants’ 8/7/18 extended terms do not appropriate any alternative channel by
9 which Maravelias could publicly share said “social media” evidentiary materials (e.g., on the
10 internet) to defend his name and reputation from defamatory and false “stalking” accusations,
11 without fearing criminal prosecution by the State of New Hampshire.
12

13 101. Defendants’ extended terms therefore implicate Maravelias’s right to be free
14 from reputational and social stigma. Said terms have chilled Maravelias’s public speech
15 which he would have otherwise made to defend his name from the false stalking accusations
16 both in the court system and on the internet, where necessitating exhibits from “social media”.
17 They also implicate his right to be left alone, since Defendants will arrest him for
18 “possession” and any lawful expression evidencing “possession”.
19

20 102. The above is neither theory nor speculation: Sgt. Smith asserted to Maravelias
21 on 2/8/19 his Supreme Court Reply Brief exhibit is inculpatory evidence of “possession”.
22

23 103. Defendants’ extended terms are unconstitutionally overbroad because they
24 prohibit, chill, and regulate a significant amount of legitimate speech even if some possible
25 applications of them could prevent unlawful speech.
26

27 104. Defendants’ extended terms are unconstitutionally overbroad for being both
28 overinclusive and underinclusive. As-applied, the extended terms do not prohibit any

1 unprotected criminally threatening or obscene speech, but rather prohibit public speech
 2 necessary for Maravelias to defend himself within the New Hampshire court system.

3 105. The United States Supreme Court's decision in *Packingham v. North*
 4 *Carolina*, 582 U. S. ____ (2017) illustrates the irredeemably unlawful nature of Defendants'
 5 despotic "social media possession" prohibition against Plaintiff. The *Packingham* court
 6 nullified a North Carolina criminal statute prohibiting convicted sex offenders from accessing
 7 certain social media sites. By comparison, Plaintiff here is subject to a civil "stalking"
 8 "protective" order – issued without even the allegation of any criminal conduct – and is
 9 thereby bound to Defendant JOHN J. COUGHLIN's arbitrary "extended terms" themselves
 10 more restrictive than the nullified North Carolina statute in *Packingham* (*i.e.*, prohibiting
 11 Maravelias's mere ongoing "possessing [any]" "social media" screenshots or exhibits, as
 12 opposed to newly "accessing [certain]" social media, as with the North Carolina statute).

13 106. Defendants, acting under color of state law, have threatened to and will enforce
 14 and implement the above-identified "extended terms" against Plaintiff Maravelias, in
 15 violation of his First Amendment rights to freedom of speech and press.

16 107. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff
 17 Maravelias has and will suffer irreparable harm and injury, which will continue absent relief.
 18 Wherefore, Plaintiff respectfully prays the Court grant the relief set forth hereunder in the
 19 section entitled "Prayer for Relief".

20 **COUNT 2**
 21 **VIOLATION OF PART I, ARTICLE 22**
 22 **OF THE NEW HAMPSHIRE CONSTITUTION**

23 108. All paragraphs hereinabove are repeated herein as though fully set forth.

109. Plaintiff repeats the aforecited authorization for his state law claims under this Court's supplemental jurisdiction, which arise from the same set of facts and transactions/occurrences giving rise to the federal causes of action in this Complaint.

110. Part I, Article 22 of the New Hampshire Constitution offers even broader protections for free speech rights than the U.S. Constitution.

111. Accordingly, the Defendants, acting under color of state law, have threatened to and will enforce and implement the above-identified "extended terms" against Plaintiff Maravelias, in violation of his rights under Part I, Article 22 of the NH Constitution.

112. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff Maravelias has and will suffer irreparable harm and injury, which will continue absent relief. Wherefore, Plaintiff respectfully prays the Court grant the relief set forth hereunder in the section entitled "Prayer for Relief".

COUNTS 3, 4, AND 5
VIOLATION OF SUBSTANTIVE AND PROCEDURAL DUE-PROCESS
UNDER THE FOURTEENTH AMENDMENT TO THE
UNITED STATES CONSTITUTION (42 U.S.C. §1983)

113. All paragraphs hereinabove are repeated herein as though fully set forth.

114. The Fourteenth Amendment guarantees that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law...".

Count 3: The "Extended Terms" Violate Due Process Since They Are Unconstitutionally Vague

115. Defendants' nominal "extended terms" against Maravelias violate and disparage his rights guaranteed by the Fourteenth Amendment to the U.S. Constitution. Said terms are

1 unconstitutionally vague, in violation of due process protections, for failing to define what
2 counts as “possession” of a “social media communication”, what counts as “third party”
3 “possession” of the same, what counts as “direct” “possession” of the same, or even what
4 counts as a “social media communication” to begin with (*e.g.*, whether usage of a social
5 media app itself is necessary to “possess” such a “communication”, or whether a static
6 photographic “screenshot” reproduction of a “social media communication” visualized on
7 another’s device is itself a “communication” or merely an indication or record of such a
8 “communication” existing elsewhere).

10 116. The vagueness of Defendant’s extended terms invites arbitrary and
11 discriminatory enforcement, and they are unintelligible a person of average intelligence.

13 117. Defendants’ present and imminent threat to criminally enforce the illegal order
14 already underscores the untenable problems of vagueness in their extended terms. In
15 Maravelias’s 2/8/19 conversation with Sgt. Smith, there was disagreement whether the Reply
16 Brief exhibit is a “social media communication”.

18 118. On its face, the extended terms appear to criminalize Maravelias’s mere
19 “possession” of public court exhibits, necessarily “depriving” him of that property by forcing
20 him to relinquish and discard said property lest he face criminal punishment.

22 119. Defendants’ extended terms against Maravelias also produce the absurd result
23 that Christina DePamphilis’s possessing *her own* “social media communications”
24 automatically criminalizes Maravelias, since he has access to public court documents where
25 her said “communications” are already entered as exhibits and/or since he has a legal right
26 subpoena them from her; therefore, Maravelias could be said to “possess” by a “third-party”
27
28

(DePamphilis herself) the said “communications”, according to reasonable interpretation of the vague term “third-party [possession]” in Defendants’ outrageous 8/7/18 extended terms.

120. The same can be said for virtually any instance of Maravelias’s friend or family member merely reading a copy of his Supreme Court briefs or viewing the record of the case.

121. Defendants’ vague extended terms contain zero due-process protection mechanisms by which Maravelias would not be require automatically to discard and not “possess” any items which might be “social media communications” even if they are public court exhibits for his own cases.

Count 4: The “Extended Terms” Violate Procedural Due Process Since They Contained No Advanced-Noticed Starting Effective Date and Therefore Inescapably Entrap Their Subject into Committing a Crime

122. Defendants’ extended terms against Maravelias are worded such that it would be impossible to obey them. Since they contain no effective starting date, they took-effect and began to criminalize any “possession” of public court exhibits as soon as Judge Coughlin signed the Order, before notifying Maravelias that the extended terms were granted. The extended terms contain no practical procedures for compliance, such as a provision that certain things currently in “possession” must be destroyed or relinquished by a certain time.

123. Since Maravelias cannot un-destroy destroyed items, it cannot be argued that Maravelias could have temporarily destroyed such exhibits pending Judge Coughlin’s ruling.

Count 5: The “Extended Terms”, Masquerading Under the Procedural Guise of a Common Civil Protective Order, Violate Substantive Due Process Since They are *Ultra Vires* Issued in Complete Absence of Legal Authority

124. First, Defendant JOHN J. COUGHLIN acted in reckless defiance of statutory authority on 8/7/18 when he ordered the extended terms against Maravelias by and through

1 “further conditions” to a civil stalking protective order. New Hampshire state law precisely
 2 regulates said civil protective orders and enumerates the types of relief which may be granted.

3 125. Defendants’ extended terms are in excess of the permitted forms of relief for NH
 4 civil stalking protective orders. The local NH district courts have jurisdiction over civil
 5 stalking protective orders under RSA 633:3-a. RSA 633:3-a, III-a states, “The types of relief
 6 that may be granted [with such civil protective orders] ... shall be the same as those set forth
 7 in RSA 173-B [the similar statute controlling Domestic Violence protective orders]”.

8
 9 126. RSA 173-B:5 exclusively enumerates the forms of additional relief New
 10 Hampshire state courts may grant in such DV or stalking protective orders, as follows:

11
 12 “(a) Protective orders:

13 (1) Restraining the defendant from abusing the plaintiff.

14 (2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides,
 15 except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff
 16 for the sole purpose of retrieving personal property specified by the court.

17 (3) Restraining the defendant from contacting the plaintiff or entering the plaintiff’s place of
 18 employment, school, or any specified place frequented regularly by the plaintiff or by any family
 19 or household member.

20 (4) Restraining the defendant from abusing the plaintiff, plaintiff’s relatives, regardless of their
 21 place of residence, or plaintiff’s household members in any way.

22 (5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff
 23 may have a legal or equitable interest.

24 (6) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in
 25 RSA 173-B:5, I, any and all deadly weapons...

26 (7) Granting the petitioner exclusive care, custody, or control of any animal owned, possessed,
 27 leased, kept, or held by the petitioner....

28 (b) Other relief including, but not limited to:

(1) Granting the plaintiff the exclusive use and possession of the premises and curtilage of the
 plaintiff’s place of residence...

(2) Restraining the defendant from withholding items of the plaintiff’s personal property specified
 by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect
 the plaintiff.

(3) Granting to the plaintiff the exclusive right of use and possession of the household furniture,
 furnishings, or a specific automobile...

(4) Ordering the defendant to make automobile, insurance, health care, utilities, rent, or mortgage
 payments.

(5) Awarding temporary custody of the parties’ minor children to either party or, where

appropriate, to the department, provided that: ...

(6) Establishing visitation rights with regard to the parties' minor children. ...

(7) Directing the defendant to pay financial support to the plaintiff or minor children, unless the defendant has no legal duty to support the plaintiff or minor children.

(8) Directing the abuser to engage in a batterer's intervention program or personal counseling. ...

(9) Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries ...

(10) Ordering the defendant to pay reasonable attorney's fees."

127. Absolutely nowhere in either the New Hampshire civil stalking protective order statute nor the procedurally-controlling DV protective order statute are Defendants authorized to enjoin broad prophylactic injunctions against the free speech and due process rights to "possess" public "social media communications" from the internet for one's legal defense.

128. Second, as an officer of the NH local Derry District Court, Defendant JOHN J. COUGHLIN did not have any general equitable jurisdictional power to enjoin such terms against Maravelias even if they were not otherwise unconstitutional. The NH local District Court has jurisdiction over such civil stalking protective order cases pursuant to RSA 502-A:14, "Civil Causes. – I. Exclusive Jurisdiction" which states, "all district courts shall have original and exclusive jurisdiction of civil cases in which the damages claimed do not exceed \$1,500". The NH District Court does not have general equitable powers, which is reserved to the NH Superior Court. *See* RSA 498:1, "Jurisdiction", which states "the superior court shall have the powers of a court of equity in ... cases in which there is not a plain, adequate and complete remedy at law; and in all other cases cognizable in a court of equity". Thus, Defendant JOHN J. COUGHLIN, within a civil stalking protective order case, had no legal authority to grant relief not specifically authorized by the controlling statute(s) therefor.

1 129. Accordingly, Defendant JOHN J. COUGHLIN'S 8/7/18 order granting the
2 extended terms against Maravelias constitutes an arbitrary, despotic act done *ultra vires* in
3 total absence of constitutional, statutory, and jurisdictional authority.

4
5 130. Defendant JOHN J. COUGHLIN'S conduct was extreme and outrageous,
6 malicious, wanton and reckless, shocking to the conscience, completely outside the
7 boundaries of propriety and lawfulness, and contemptuous of the moral ethos of the State of
8 New Hampshire and the United States of America.

9
10 131. Defendants acted willfully, knowingly, and maliciously in a coordinated effort
11 to disparage *pro se* Paul Maravelias's federal constitutional rights by unilateral acts of judicial
12 tyranny: Maravelias's 7/5/18 Objection articulately warned Defendants of the illegality of the
13 proposed extended terms and that granting them would be in excess of legal authority. *See*
14 Paragraphs 23 through 25 of Maravelias's 7/5/18 Objection. (**Exhibit B**)

15
16 132. Jointly regarding Counts 3, 4, and 5, the Defendants, acting under color of state
17 law, have threatened to and will enforce and implement the above-identified "extended terms"
18 against Plaintiff Maravelias, in violation of his Fourteenth Amendment due process rights.

19
20 133. Jointly regarding Counts 3, 4, and 5, as a direct and proximate result of
21 Defendants' unlawful conduct, Plaintiff Maravelias has and will suffer irreparable harm and
22 injury, which will continue absent relief. Wherefore, Plaintiff respectfully prays the Court
23 grant the relief set forth hereunder in the section entitled "Prayer for Relief".

24
25 **COUNT 6**
26 **VIOLATION OF EQUAL PROTECTION UNDER THE FOURTEENTH**
27 **AMENDMENT TO THE UNITED STATES CONSTITUTION (42 U.S.C. §1983)**

28 134. All paragraphs hereinabove are repeated herein as though fully set forth.

1 135. The Fourteenth Amendment guarantees that “no state shall ... deny to any person
2 within its jurisdiction the equal protection of the laws.”

3 136. Never before in history has a NH Circuit Court ordered a civil stalking order
4 respondent not to “possess” “directly or through a third-party” “social media
5 communications” of a petitioner.
6

7 137. Since Defendants’ extended terms were issued without any legal authority (*See*
8 *supra*), other NH civil stalking protective order respondents are not – nor ever have been –
9 ordered in a fashion which similarly-situated Maravelias has been ordered here.
10

11 138. Equivalently, no other petitioners in such actions are enabled to have their
12 opponents “ordered” to not “possess” public internet evidence as part of their opposing case,
13 as similarly-situated DePamphilis has been enabled here.
14

15 139. Defendant JOHN J. COUGHLIN did not even attempt to justify his 8/7/18 order
16 nor make any specific findings of fact or law harmonizing the extended terms to the particular
17 contours of the Maravelias-DePamphilis case. He just reflexively scribbled “DENIED” on
18 Maravelias’s Objection and “GRANTED” on DePamphilis’s original Motion.
19

20 140. Accordingly, Defendants’ extended terms violate the Equal Protection clause,
21 since similarly situated petitioners and respondents in New Hampshire civil stalking
22 protective order proceedings are currently accorded inconsistent, unequal rights.
23

24 141. Defendants, acting under color of state law, have threatened to and will enforce
25 and implement the above-identified “extended terms” against Plaintiff Maravelias, in
26 violation of his Fourteenth Amendment equal protection rights.

27 142. As a direct and proximate result of Defendants’ unlawful conduct, Plaintiff
28 Maravelias has and will suffer irreparable harm and injury, which will continue absent relief.

Wherefore, Plaintiff respectfully prays the Court grant the relief set forth hereunder in the section entitled “Prayer for Relief”.

COUNT 7
EX POST FACTO LAW UNDER ARTICLE II § 10 cl. 1 OF
THE UNITED STATES CONSTITUTION (42 U.S.C. §1983)

143. All paragraphs hereinabove are repeated herein as though fully set forth.

144. Since Defendants’ extended terms did not contain any effective start date, they became enforceable with the underlying stalking order in relation to all times said stalking order was in effect, whether before the 8/7/18 granting of said terms or not.

145. The extended terms therefore violate the Ex Post Facto clause of the U.S. Constitution, criminalizing Maravelias for any “possession” after the protective order was extended but before the “extended terms” were granted.

146. Defendants, acting under color of state law, have threatened to and will enforce and implement the above-identified “extended terms” against Plaintiff Maravelias, in violation of the Ex Post Facto clause of the U.S. Constitution.

147. As a direct and proximate result of Defendants’ unlawful conduct, Plaintiff Maravelias has and will suffer irreparable harm and injury, which will continue absent relief. Wherefore, Plaintiff respectfully prays the Court grant the relief set forth hereunder in the section entitled “Prayer for Relief”.

COUNT 8
NH RSA 633:3-A, III-C. IS FACIALLY OVERBROAD IN
VIOLATION OF THE FIRST AMENDMENT TO THE U.S. CONSTITUTION

148. All paragraphs hereinabove are repeated herein as though fully set forth.

1 149. Defendants' unlawful extended terms against Maravelias are in-effect by the
2 existence of an extended civil stalking protective order, extended pursuant to RSA 633:3-a,
3 III-c. In relevant part, the said statute reads:

4
5 "Any order under this section shall be for a fixed period of time not to exceed one year, but may
6 be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice
7 to the defendant, for one year after the expiration of the first order and thereafter each extension
8 may be for up to 5 years, upon the request of the plaintiff and at the discretion of the court. The
9 court shall review the order, and each renewal thereof and shall grant such relief as may be
10 necessary to provide for the safety and well-being of the plaintiff." (Emphasis added)

11 150. Maravelias has standing to bring this facial challenge. He was affected by RSA
12 633:3a, III-c. in the past and could likely be in the future. However, he is not currently subject
13 to any current criminal prosecutions under RSA 633:3-a.

14 151. This statute permits extension of such protective orders if plaintiff's "well-
15 being" primarily would be jeopardized without an extension, even if concern for "safety" is
16 minimal. The Oxford English Dictionary defines "well-being" as "the state of being
17 comfortable, healthy or happy." Therefore, if a petitioner merely alleges she would be
18 "uncomfortable" or "unhappy" without the extension, the state court is required to extend it.

19 152. Said protective orders inflict extensive restrictions against a subject's
20 constitutional rights, such as no-contact and firearms relinquishment orders.

21
22 153. The statute is therefore facially overbroad in violation of the First Amendment,
23 because it enables trial courts to extend such protective orders based on a respondent's
24 constitutionally protected non-threatening public speech which could "discomfort" the
25 petitioner, thereby triggering the overbroad "well-being" standard for extension.

26
27 154. The statute's language is therefore not narrowly-tailored to serve a significant
28 governmental interest. It does not grant respondents any alternative channels to express

1 themselves in public which could “discomfort” or “displease” petitioners without being
2 punished by extended-duration restrictions of their constitutional rights. The overbroad statute
3 therefore has a chilling effect against appropriate speech to such protective order respondents.

4
5 155. The “well-being” standard in the statute is overbroad also because it is not
6 narrowly-tailored to serve the actual governmental interest of the statute, which is not
7 preventing “displeasure” or “discomfort” of petitioners, but rather protecting them from
8 “stalking” – conduct causing a “reasonable person to fear for their physical safety”.
9
10 *See* RSA 633:3-a, I.

11 156. The “well-being” standard in the statute inescapably renders it a content-based
12 speech regulation, since a respondent’s public expression which is “displeasing” to the
13 petitioner would alone satisfy the “well-being” standard for extending it, whereas agreeable
14 public speech not upsetting the petitioner would not trigger the “well-being” standard.

15
16 157. The statute is both overinclusively and underinclusively not narrowly tailored.
17 *First*, it punishes respondents’ acts of public expression which are not contrary to the
18 governmental interest of preventing stalking (e.g., publicly disagreeing with the fact that a
19 stalking order was issued). *Second*, it fails to equally punish *new* stalking order defendants
20 with its overbroad “well-being” extension standard. *Cf.* RSA 633:3-a, III-a, the more stringent
21 legal standard for initial issuance of a stalking order requiring a “stalking course of conduct”,
22 as opposed to mere indication that granting the order serves a petitioner’s “well-being”.
23

24 158. This overbroad “well-being” standard is applied in every single stalking order
25 extension case under RSA 633:3-a, III-c. There are no constitutionally valid ways for NH
26 courts to implement this statute without disobeying it. Even if the statute simply read “safety
27 or well-being” instead of “safety *and* well-being”, courts would at least have some leeway to
28

1 avoid an unconstitutionally broad application in every case. However, the statute's plain
2 language implies it is substantially overbroad necessarily for every single application thereof.

3
4 159. Defendants, acting under color of state law, are enforcing a facially overbroad
5 statute, RSA 633:3-a, III-c., in violation of the First Amendment to the U.S. Constitution.
6 Wherefore, Plaintiff respectfully prays the Court grant the relief set forth hereunder in the
7 section entitled "Prayer for Relief".

8 COUNT 9

9 NH RSA 633:3-A, III-C. IS FACIALLY VOID FOR VAGUENESS IN VIOLATION 10 OF THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION

11 160. All paragraphs hereinabove are repeated herein as though fully set forth.

12
13 161. "A statute can be impermissibly vague for either of two independent reasons.
14 First, if it fails to provide people of ordinary intelligence a reasonable opportunity to
15 understand what conduct it prohibits. Second, if it authorizes or even encourages arbitrary and
16 discriminatory enforcement." *Hill v. Colorado*, 530 U.S. 703,732 (2000).

17
18 162. The language of RSA 633:3-a, III-c. is unintelligible and so loosely constrained
19 that arbitrary, discriminatory enforcement thereof is inevitable. Not only is the term "well-
20 being" too vague, but also the extent to which the preceding term "safety" narrows or
21 qualifies "well-being".

22
23 163. This vagueness is substantially likely or guaranteed to complicate every stalking
24 order extension case brought before NH state courts, regardless of the particular facts of such
25 cases. The statute provides zero guidance on how trial court judges should interpret "well-
26 being", or on what conduct beyond threatening speech or actual violence would permit
27 extension not necessarily to serve a plaintiff's "safety", but rather their "well-being".
28

1 164. For instance, one judge might consider a “well-being” order ridiculous and far
 2 in-excess-of the legislative counter-stalking intent, calibrating his or her judgements to the
 3 statute’s broad “safety” context, even applying *ejusdem generis* to constrain “well-being”
 4 thereby. However, another judge might reject this interpretation, “safety and well-being” not
 5 being a list, and adopt the plain meaning of the word “well-being”.

7 165. The statute’s vagueness is not only semantic but also syntactic, fraught with
 8 meaningful ambiguity between the co-possible constructions “shall grant such relief as may
 9 be necessary to provide for the (safety and well-being)” and “... relief as may be necessary to
 10 provide for the safety, and (relief as may be necessary to provide for the) well-being”. The
 11 former interpretation begets tautology, the latter overbroad plaintiff-sycophancy. Both
 12 interpretations are reasonable but produce vastly different legal outcomes.

14 166. The comparable protective order laws of no other US state discard the initial-
 15 issuance-standard for something pointlessly different for extension, as does New Hampshire’s
 16 unconstitutionally defective statute. For example, the analogous Massachusetts statute for
 17 extension of Civil Harassment Orders, M.G.L. 258E §3(d), states in relevant part that “the
 18 court [may extend] the [harassment] order ... as it deems necessary to protect the plaintiff
 19 from harassment.” *Id.* It does not switch the legal standard to something different and
 20 overbroad when it concerns extension, requiring a “stalking course of conduct” for an original
 21 order but only vague “interest in well-being” for subsequent extensions, as with the defective
 22 New Hampshire statute. *Cf. also* 19-A M.R.S. 4007(2), the analogous Maine statute
 23 controlling extension of DV protective orders following civil adjudications of “abuse”: “the
 24 court may extend an order, upon motion of the plaintiff, for such additional time as it
 25 determines necessary to protect the plaintiff ... from abuse.”
 26
 27
 28

167. That a statute's unintelligibility to an average person and propensity for arbitrary enforcement violates the due process rights guaranteed by the Fourteenth Amendment is pellucid – especially here, where said vague statute controls the extension of court orders severely limiting other federal constitutional rights.

168. Defendants, acting under color of state law, are enforcing an unconstitutionally vague statute, RSA 633:3-a, III-c., in violation of the Fourteenth Amendment to the U.S. Constitution. Wherefore, Plaintiff respectfully prays the Court grant the relief set forth hereunder in the section entitled "Prayer for Relief".

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Paul Maravelias respectfully requests this Honorable Court:

- I. Issue a preliminary injunction prohibiting all non-judicial Defendants and their officials, employees, and agents from implementing or enforcing the said "extended terms" to the civil protective order against Maravelias in New Hampshire Circuit Court Case No. 473-2016-CV-00124;
- II. Enter a declaratory judgment that Defendants' said criminally-enforceable "extended terms" violate Maravelias's civil constitutional rights as guaranteed by the First Amendment to the U.S. Constitution;
- III. Enter a declaratory judgment that Defendants' said criminally-enforceable "extended terms" violate Maravelias's civil constitutional rights as guaranteed by Part I, Article 22 of the New Hampshire Constitution;
- IV. Enter a declaratory judgment that Defendants' said criminally-enforceable "extended terms" violate Maravelias's due process and equal protection rights as guaranteed by the Fourteenth Amendment to the U.S. Constitution;
- V. Enter a declaratory judgment that Defendants' said "extended terms" to the civil protective order are in excess of NH state statutory protective order law;
- VI. Enter a declaratory judgment that Defendants' said "extended terms" to the civil protective order violate the Ex Post Facto clause of the U.S. Constitution;

- 1 VII. Enter a declaratory judgment that New Hampshire RSA 633:3-a, III-c. is
2 unconstitutionally overbroad on its face in violation of the First and Fourteenth
3 Amendments to the U.S. Constitution;
- 4 VIII. Enter a declaratory judgment that New Hampshire RSA 633:3-a, III-c. is
5 unconstitutionally vague on its face in violation of the Fourteenth Amendment to
6 the U.S. Constitution;
- 7 IX. Enter a permanent injunction to prevent future unlawful conduct by Defendants;
- 8 X. Award Plaintiff the reasonable costs and disbursements of this action;
- 9 XI. Grant any further relief as may be deemed just and proper.

10
11
12 I, Paul Maravelias, declare that all factual stipulations within the foregoing
13 First Amended Verified Complaint are true and accurate to the best of my
14 knowledge as of 5/6/2019.

15 Respectfully submitted,

16
17 PAUL J. MARAVELIAS

18 *in propria persona*

19
20
21
22
23


24 /s/ Paul J. Maravelias, pro se

Dated: May 6th, 2019

25 **Paul J. Maravelias**
26 34 Mockingbird Hill Rd
27 Windham, NH 03087
28 paul@paulmarv.com
603-475-3305

CERTIFICATE OF SERVICE

I, Paul Maravelias, certify that a timely provided copy of this document is being sent on this date to all counsel of record for the Defendants pursuant to the rules of this Court.

/s/ Paul J. Maravelias, pro se

Dated: May 6th, 2019

Paul J. Maravelias